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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/400,812
Filing Date	09-22-1999
First Named Inventor	Paul M. McElfresh
Group Art Unit	1712
Examiner Name	Philip C. Tucker
Attorney Docket Number	304-15027-US

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

## 1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on March 4, 2002  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☒ Other Request for Extension of Time, Petition to Revive, RCE, Cert. Mailing by Express Mail, return postcard

## 3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-0429; please see attached Fee Transmittal PTO/SB/17
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other \_\_\_\_\_
- b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed ☐
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	David L. Mossman	Registration No. (Attorney/Agent)	29,570
Signature	<i>David L. Mossman</i>	Date	MAY 1, 2002

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box DAC Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on: 05-01-2002

Name (Print/Type)	David L. Mossman	Date	05-01-2002
Signature	<i>David L. Mossman</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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OFFICE OF PETITIONS



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : PATENT  
PAUL M. McELFRESH, et al. : **Amendment After Final**  
Serial No.: 09/400,812 : **Expedited Procedure Requested**  
Filed: September 22, 1999 : Group Art Unit: 1712  
For: HYDRAULIC FRACTURING USING : Examiner: Philip C. Tucker  
NON-IONIC SURFACTANT : Docket No.: 304-15027-US  
GELLING AGENT : Date: May 1, 2002

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR §1.10

Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

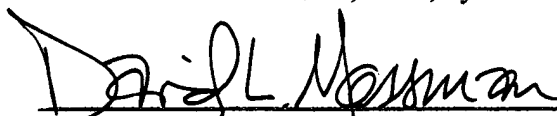
Sir:

"Express Mail" mailing label number: ET566710667US

Date of Deposit: May 1, 2002

I hereby certify that this Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR §1.137(b); Amendment Under 37 CFR §1.116; Request for Continued Examination (RCE), Fee Transmittal for FY 2002, Petition for Extension of Time Under 37 CFR §1.136(a); and associated postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated above and is addressed to Box DAC, Commissioner for Patents, Washington, D.C. 20231.

Respectfully submitted,  
PAUL M. McELFRESH, et al., by

  
David L. Mossman, Attorney for Applicants,  
Reg. No. 29,570

MAY 1, 2002  
Date

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